

In The United States Court of Federal Claims

No. 01-116C

(Filed: August 9, 2007)

NEBRASKA PUBLIC POWER DISTRICT,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Over the last several months, the Clerk's Office has received various documents from Mr. William Peterson, seeking to intervene in this case. Such materials were most recently received on July 23, 2007. Following a review of all these materials, the court concludes that, despite various deficiencies, they should be filed herein and treated as a motion to intervene under RCFC 24. So treated, the court **DENIES** the motion for several reasons.

First, the motion is untimely under RCFC 24, having been filed after significant proceedings occurred in this case, including a ruling that is now on appeal to the Federal Circuit. *See Nebraska Public Power District v. United States*, 73 Fed. Cl. 650 (2006), *motion to certify interlocutory appeal granted*, 74 Fed. Cl. 762 (2006), *appeal authorized*, 219 Fed. Appx. 980 (Fed. Cir. 2007). Even if this were not true, Mr. Peterson's motions do not meet the requisites for intervention specified in either RCFC 24(a) or 24(b) as to intervention of right and permissive intervention, respectively. In particular, he has shown neither that a statute authorizes his intervention nor that he possesses a legally protectable interest in the subject of this proceeding that could be impaired by disposition of this suit. *See Klamath Irr. Dist. v. United States*, 64 Fed. Cl. 328 (2005). Various orders of this court in other spent nuclear fuel cases in which Mr. Peterson has sought to intervene have likewise denied his intervention and on similar reasoning. *See Southern Nuclear Operating Co., et al. v. United States*, No. 98-614C (Fed. Cl. Apr. 27, 2007); *Wisconsin Elec. Power Co. v. United States*, No. 00-697C (Fed. Cl. Apr. 27, 2007).

Accordingly, Mr. Peterson's motion to intervene is hereby **DENIED**. The Clerk is ordered to provide him with notice of this order at the mailing address specified in his filings.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge